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By: **Delegates Conway, Taylor, Amedori, R. Baker, W. Baker, Bartlett, Bohanan, Boutin, Bozman, Brinkley, Cadden, Cane, Clagett, Conroy, D'Amato, Dewberry, Donoghue, Eckardt, Edwards, Elliott, Frush, Getty, Glassman, Griffith, Guns, Hecht, James, K. Kelly, Love, Malone, McClenahan, McKee, Minnick, Mitchell, Moe, O'Donnell, Parrott, Pitkin, Proctor, Rawlings, Riley, Rosso, Shank, Snodgrass, Stocksdale, Stull, Vallario, and Wood**

Introduced and read first time: February 9, 2001  
Assigned to: Judiciary and Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Emergency Medical System Operations Fund - Moving**  
3 **Violations - Surcharge**

4 FOR the purpose of requiring the Chief Judge of the District Court to include a  
5 certain item in citation forms designed for traffic offenses; requiring a certain  
6 surcharge to be added to a fine imposed by the District Court for a conviction for  
7 certain moving violations; requiring a police officer issuing a citation for certain  
8 moving violations to add a certain surcharge to the amount of the total fine  
9 before presenting the citation to the driver being charged; requiring the  
10 Comptroller to annually pay certain surcharges collected into the Maryland  
11 Emergency Medical System Operations Fund; providing that the funding for the  
12 Maryland Emergency Medical System Operations Fund includes certain  
13 surcharges collected for certain moving violations; providing for the application  
14 of this Act; and generally relating to surcharges collected for moving violations  
15 and the Maryland Emergency Medical System Operations Fund.

16 BY repealing and reenacting, with amendments,  
17 Article - Courts and Judicial Proceedings  
18 Section 1-605(d)(8)  
19 Annotated Code of Maryland  
20 (1998 Replacement Volume and 2000 Supplement)

21 BY adding to  
22 Article - Courts and Judicial Proceedings  
23 Section 7-301(g)  
24 Annotated Code of Maryland  
25 (1998 Replacement Volume and 2000 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article - Transportation  
3 Section 13-955  
4 Annotated Code of Maryland  
5 (1999 Replacement Volume and 2000 Supplement)

6 BY adding to  
7 Article - Transportation  
8 Section 27-101.2  
9 Annotated Code of Maryland  
10 (1999 Replacement Volume and 2000 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Courts and Judicial Proceedings**

14 1-605.

15 (d) In addition to the powers and duties granted and imposed in subsections  
16 (a), (b), and (c) of this section, or elsewhere by law or rule, the Chief Judge of the  
17 District Court shall:

18 (8) After consultation with police administrators and the Motor Vehicle  
19 Administrator, design arrest - citation forms that [shall]:

20 (I) SHALL be used by all law enforcement agencies in the State  
21 when charging a person with a criminal, civil, or traffic offense, excepting violations  
22 of parking ordinances or regulations adopted under Subtitle 3 of Title 26 of the  
23 Transportation Article; AND

24 (II) SHALL INCLUDE A LINE ON WHICH TO ADD THE \$20  
25 SURCHARGE ASSESSED UNDER § 27-101.2 OF THE TRANSPORTATION ARTICLE.

26 7-301.

27 (G) (1) IN A TRAFFIC CASE IN WHICH POINTS MAY BE ASSESSED UNDER §  
28 16-402 OF THE TRANSPORTATION ARTICLE, AFTER CONVICTION THE COURT SHALL  
29 ADD A \$20 SURCHARGE TO ANY FINE IMPOSED BY THE COURT.

30 (2) THE COMPTROLLER SHALL ANNUALLY PAY THE SURCHARGES  
31 COLLECTED UNDER THIS SUBSECTION INTO THE MARYLAND EMERGENCY MEDICAL  
32 SYSTEM OPERATIONS FUND ESTABLISHED UNDER § 13-955 OF THE TRANSPORTATION  
33 ARTICLE.

1 **Article - Transportation**

2 13-955.

3 (a) In this section, "Fund" means the Maryland Emergency Medical System  
4 Operations Fund.

5 (b) (1) There is a Maryland Emergency Medical System Operations Fund.

6 (2) The Fund is a continuing, nonlapsing fund which is not subject to §  
7 7-302 of the State Finance and Procurement Article.

8 (3) Interest and earnings on the Fund shall be separately accounted for  
9 and credited to the Fund, and are not subject to § 6-226(a) of the State Finance and  
10 Procurement Article.

11 (c) The Fund consists of:

12 (1) TRAFFIC CITATION SURCHARGES COLLECTED UNDER § 27-101.2 OF  
13 THIS ARTICLE AND § 7-301(G) OF THE COURTS ARTICLE;

14 (2) Registration surcharges collected under § 13-954 of this subtitle; and

15 [(2)] (3) All funds, including charges for accident scene transports and  
16 interhospital transfers of patients, generated by an entity specified in subsection (e)  
17 of this section that is a unit of State government.

18 (d) Expenditures from the Fund shall be made pursuant to an appropriation  
19 approved by the General Assembly in the annual State budget or by the budget  
20 amendment procedure provided under § 7-209 of the State Finance and Procurement  
21 Article, provided that any budget amendment shall be submitted to and approved by  
22 the Legislative Policy Committee prior to the expenditure or obligation of funds.

23 (e) The money in the Fund shall be used solely for:

24 (1) Medically oriented functions of the Department of State Police,  
25 Special Operations Bureau, Aviation Division;

26 (2) The Maryland Institute for Emergency Medical Services Systems;

27 (3) The R Adams Cowley Shock Trauma Center at the University of  
28 Maryland Medical System;

29 (4) The Maryland Fire and Rescue Institute;

30 (5) The provision of grants under the State Fire, Rescue, and Ambulance  
31 Fund in accordance with the provisions of Article 38A, §§ 45A through 45D of the  
32 Code; and

1           (6)       The Low Interest Revolving Loan Account under the Volunteer  
2 Company Assistance Fund in accordance with the provisions of Article 38A, §§ 46E  
3 through 46H of the Code.

4 27-101.2.

5       (A)       AFTER COMPUTING THE FINE TO BE ASSESSED UNDER THE DISTRICT  
6 COURT'S SCHEDULE OF PRESET FINES AND/OR PENALTY DEPOSITS, A POLICE  
7 OFFICER ISSUING A TRAFFIC CITATION FOR A VIOLATION FOR WHICH POINTS MAY  
8 BE ASSESSED UNDER § 16-402 OF THIS ARTICLE SHALL ADD A \$20 SURCHARGE TO  
9 THE AMOUNT OF THE TOTAL FINE BEFORE PRESENTING THE CITATION TO THE  
10 DRIVER BEING CHARGED.

11       (B)       THE COMPTROLLER SHALL ANNUALLY PAY THE SURCHARGES  
12 COLLECTED UNDER THIS SECTION INTO THE MARYLAND EMERGENCY MEDICAL  
13 SYSTEM OPERATIONS FUND ESTABLISHED UNDER § 13-955 OF THIS ARTICLE.

14       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
15 construed only prospectively and may not be applied or interpreted to have any effect  
16 on or application to any violation committed before the effective date of this Act.

17       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2001.